

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CR. NO: 2:05 cr 267-T
)	
PRESTON GRICE;)	
LEEANDORA WOODS;)	
COREY HARVEY,)	
)	
Defendants.)	

MOTION TO DISMISS

COMES NOW the Defendant Preston Grice (hereinafter referred to as Grice), by and through counsel, and files this Motion to Dismiss in the above-entitled action. As grounds, the Defendant Grice would show unto this Honorable Court the following:

1. On November 30, 2005, the Arraignment Hearing for Preston Grice was held. This Honorable Court verbally Ordered the Government to produce the Affidavit for the Search Warrant by the end of said day (November 30, 2005). The Court also Ordered the Government to produce the Government's discovery to the defendants on or before December 2, 2005.

2. The above verbal Order of the Court was incorporated in the Court's Order of December 1, 2005.

3. That as of 5:00 p.m. December 2, 2005, the Defendant Grice has not yet received any of the documents referred

to in paragraphs 1 and 2 above.

4. As a result of the above and foregoing failure of the Government to comply with this Court's Order, the Defendant Grice respectfully Moves that this Honorable Court dismiss the action against him.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed this document on December 2, 2005, utilizing the CM/ECF system which will electronically notice the following parties:

Honorable Leura C. Garrett
United States Attorney

Honorable Bruce Maddox
Attorney for Corey Harvey

Honorable Susan James
Attorney for Leeondara Woods

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